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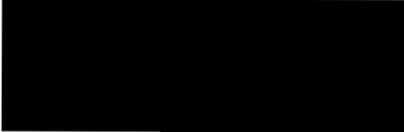
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: **AUG 05 2008**

EAC 08 022 51575

IN RE:

Petitioner:

Beneficiary:



PETITION: Petition for Alien Fiancé(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(K)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center, and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The petitioner is a naturalized citizen of the United States who seeks to classify the beneficiary, a native and citizen of Nigeria, as the fiancée of a United States citizen pursuant to section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K).

The director denied the petition after determining that the record was incomplete and did not contain any initial evidence or supporting documentation as outlined in the instructions on the Petition for Alien Fiancé(e) (Form I-129F). *Decision of the Director*, dated February 7, 2008.

Section 214(d) of the Act, 8 U.S.C. § 1184(d), states, in pertinent part, that a fiancé(e) petition:

... shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within two years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival. . . .

On appeal, the petitioner submits: a copy of his naturalization certificate; a copy of the identification page in his U.S. passport; copies of his airline ticket receipts for his flight to Nigeria, leaving on May 21, 2007 and returning on July 18, 2007; copies of his entry and exit stamps for Nigeria showing entries on December 26, 2002, January 24, 2006 and May 22, 2007 and an exit on August 22, 2001; photographs of the petitioner and beneficiary together; and e-mail and phone call records between the petitioner and beneficiary. The AAO notes that the record does not include passport-style photographs of the petitioner and of the beneficiary or Biographic Information Forms (G-325A Forms) for the petitioner and the beneficiary. Thus, the record is still incomplete.

8 C.F.R. § 103.2(a) states in pertinent part:

- (1) *General.* Every application, petition or other document submitted on a form prescribed by this chapter shall be executed and filed in accordance with the instructions contained on the form, each instruction being hereby incorporated into the particular section of the regulations requiring its submission...

The AAO notes that the instructions for completing Form I-129F state at Item 6(A), Page 3 that the petitioner and beneficiary must submit completed G-325A Forms and two passport-style photographs for both the petitioner and beneficiary.

Accordingly, the AAO finds that the petitioner has failed to comply with the instructions for filing the Form I-129F and the appeal will be dismissed.

ORDER: The appeal is dismissed.